



# CITY OF COCONUT CREEK CITY COMMISSION MINUTES

**Government Center  
4800 W. Copans Road  
Coconut Creek, Florida**

**Date: September 26, 2024  
Time: 7:00 p.m.  
Meeting No. 2024-0926R**

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## **CALL TO ORDER**

Mayor Sandra L. Welch called the meeting to order at 7:01 p.m.

## **PRESENT UPON ROLL CALL:**

Mayor Sandra L. Welch  
Vice Mayor Jacqueline Railey  
Commissioner Joshua Rydell  
Commissioner John A. Brodie  
Commissioner Jeffrey R. Wasserman  
City Manager Sheila N. Rose  
City Attorney Terrill C. Pyburn  
City Clerk Joseph J. Kavanagh

Mayor Welch asked all to rise for the Pledge of Allegiance.

City Attorney Pyburn noted that the meeting was being conducted live with a quorum physically present and explained the procedures for the meeting.

## **PRESENTATION(S)**

- 1. 24-151** A PROCLAMATION RECOGNIZING OCTOBER 7-13, 2024, AS "FLORIDA CLIMATE WEEK 2024" IN THE CITY OF COCONUT CREEK.

Vice Mayor Railey read the proclamation into the record and presented it to Sustainability Manager Linda Whitman.

## **INPUT FROM THE PUBLIC**

Liz Scardigno, 2042 Antigua Circle, Unit F1, Coconut Creek, followed up on her previous visit, regarding missing community cats in the South Creek, Sunshine Drive, and Broward College areas. She commented that since July 11, four (4) more cats had disappeared, reducing the group to approximately twelve (12), who were now hiding and cautious. She noted that a deceased white male cat was found near Broward College, with an autopsy suggesting a canine attack. She mentioned a coyote had been spotted in the area and urged the Commission to investigate, increase patrols, and protect both the cats and local residents. City Manager Rose requested that Chief of Police Fred Hofer provide an update to Ms. Scardigno on the actions taken since July 11.

Nancy Fry, 5341 Flamingo Place, Coconut Creek, requested that Commission Meetings be streamed on YouTube again, noting that many people had asked her about City issues, and using the Granicus system had been difficult to explain. She added that YouTube was more user-friendly, particularly for pausing and resuming long meetings. Additionally, she suggested that the City's ballot question

webpage should have emphasized the section about canceling the March 2027 Election. She requested that this portion be bolded for clarity, ensuring that residents understood the seriousness of the issue. City Manager Rose noted that YouTube streaming for Commission Meetings had resumed, starting with the September 12, 2024, meeting. City Clerk Joseph J. Kavanagh responded to the statutory limitations of promoting the ballot language and the uncertainty of the impacts of highlighting certain portions. He noted the need to seek further input from the City Attorney, Commission, and City Manager. City Attorney Pyburn stated that she would look into the matter and report back.

**CONSENT AGENDA (Items 2, 4, 6, 7, 8, and 9)**

Mayor Welch read each of the titles of the Consent Agenda Items into the record.

*Agenda Item 3 was pulled from the Consent Agenda by Commissioner Rydell, and Agenda Item 5 was pulled by Commissioner Brodie. Both items were heard before the Regular Agenda.*

2.     **24-148**         A MOTION APPROVING THE MINUTES FROM PREVIOUS CITY COMMISSION MEETING(S). (2024-0822R)
  
4.     **24-149**         A MOTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO APPROVE THE UPDATE TO THE SOFTWARE AND CONTROLS FOR THE ENERGY MANAGEMENT SYSTEM (EMS) THAT COMMUNICATES WITH THE VARIOUS HEATING, VENTILATION, AND AIR CONDITIONING (HVAC) UNITS IN THE PUBLIC WORKS BUILDING, RECREATION COMPLEX, FIRE STATION 50, AND FIRE STATION 94 BY MASTER MECHANICAL SERVICES, INC. PURSUANT TO RFP NO. 02-23-22-10.
  
6.     **RES  
2024-145**         A RESOLUTION AUTHORIZING THE CITY MANAGER TO REQUEST THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) TO CONVEY SURPLUS PROPERTY TO THE CITY OF COCONUT CREEK TO BE UTILIZED FOR THE PUBLIC PURPOSE OF PROVIDING ADEQUATE DRAINAGE, UTILITIES, AND ROAD RIGHT-OF-WAY WITHIN THE MAINSTREET PROJECT AREA, AS PROVIDED HEREIN AND LEGALLY DESCRIBED IN EXHIBIT "A."
  
7.     **RES  
2024-130**         A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE AMENDMENT NUMBER NINE (9) TO THE DISTRICT FOUR LANDSCAPE INCLUSIVE MAINTENANCE MEMORANDUM OF AGREEMENT WITH THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) FOR THE PURPOSE OF MAINTAINING SIDEWALKS, LANDSCAPING, AND OTHER IMPROVEMENTS WITHIN THE RIGHT-OF-WAY OF SAMPLE ROAD (STATE ROAD 834) RELATED TO THE MAZDA DEVELOPMENT PROJECT.
  
8.     **RES  
2024-154**         A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE ATTACHED MAINTENANCE AGREEMENT BETWEEN THE CITY OF COCONUT CREEK AND POMPANO AUTOPLEX, LLC, WHICH AGREEMENT TRANSFERS AND ASSIGNS RESPONSIBILITIES FOR THE MAINTENANCE OF SIDEWALKS, LANDSCAPING, AND OTHER IMPROVEMENTS IN THE WEST SAMPLE ROAD (STATE ROAD 834) RIGHT-OF-WAY ADJACENT TO THE PROPERTY LOCATED AT 4101 WEST SAMPLE ROAD TO POMPANO AUTOPLEX, LLC.

9.     **RES**           A RESOLUTION AUTHORIZING THE USE OF FEDERAL LAW ENFORCEMENT  
       **2024-148**       TRUST FUNDS IN THE AMOUNT OF FORTY-EIGHT THOUSAND DOLLARS  
                         (\$48,000) FROM THE FEDERAL FORFEITURE JUSTICE FUND FOR THE  
                         PURCHASE OF TWO (2) POLARIS RANGERS.

**MOTION:** Brodie/Wasserman – To approve Consent Agenda Items 2, 4, 6, 7, 8, and 9.

**Upon roll call, the Motion passed by a 5-0 vote.**

#### **City Manager**

3.     **24-152**       A MOTION TO CANCEL THE NOVEMBER 28, 2024, AND THE DECEMBER 26,  
                         2024, REGULAR CITY COMMISSION MEETINGS.

**MOTION:** Rydell/Railey – To approve Agenda Item 3.

Commissioner Rydell suggested adding an overflow meeting on November 21 or December 5 if the November 28 and December 26 meetings were canceled. He raised concerns about handling public hearings and significant items, noting that two (2) meetings may not be enough to cover everything without long sessions. There was consensus.

**AMENDMENT:** Rydell/Railey – To amend Agenda Item 3 to add a Commission Meeting on December 5, 2024.

**Upon roll call, the Amendment passed by a 5-0 vote.**

**Upon roll call, the Motion, as amended, passed by a 5-0 vote.**

#### **Public Works Department**

5.     **RES**           A RESOLUTION AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO  
       **2024-142**       EXECUTE THE THIRD AMENDMENT TO THE INTERLOCAL AGREEMENT  
                         WITH BROWARD COUNTY FOR COMMUNITY SHUTTLE SERVICE.

**MOTION:** Rydell/Railey – To approve Resolution No. 2024-142.

Commissioner Brodie raised concerns about the efficiency of the buses used in the City's shuttle program, noting that on average, only 4.5 people use the County shuttle per hour and 5.8 people use the butterfly shuttle. He questioned the environmental impact of running 16-seat shuttles with so few passengers and asked whether discussions with the County had addressed this issue. Commissioner Brodie suggested either reducing the number of buses or finding ways to increase ridership to minimize the carbon footprint. He emphasized the need for a more efficient approach or better promotion of the program to justify the environmental cost.

Public Works Director Harry Mautte agreed with Commissioner Brodie, noting that the County was conducting a comprehensive transit operational analysis, which was expected to be completed by the end of the fiscal year. He added that the City's transit master plan was currently on hold, awaiting the County's final recommendations. Mr. Mautte expressed anticipation for the study's results to help determine the most efficient use of funds and transportation resources. He mentioned the possibility of micro-transit initiatives and explained that the County had only extended the shuttle program for one (1) year due to expected changes, as many community shuttle programs were underperforming. He emphasized the need

to discuss reducing fossil fuel vehicle use in the City.

City Manager Rose explained that the City applied for a micro-transit pilot program and noted the City's transit master plan had been moving toward micro-transit because of low shuttle ridership but noted that connecting to the County system was key. She highlighted the County's slower progress on their analysis and assured that the City expected to transition to a more efficient micro-transit model.

**Upon roll call, the Resolution passed by a 5-0 vote.**

## REGULAR AGENDA

### Fire Rescue Department

10. **ORD 2024-031** AN ORDINANCE AMENDING THE CITY'S CODE OF ORDINANCES, BY AMENDING CHAPTER 2, "ADMINISTRATION," ARTICLE III, "DEPARTMENTS," DIVISION 3, "FIRE RESCUE DEPARTMENT," TO AMEND SECTION 2-82, "USE OF OFF-DUTY FIREFIGHTER/PARAMEDICS OR FIRE INSPECTORS FOR UNOFFICIAL FUNCTIONS," TO ADD JUNETEENTH AS A HOLIDAY AND PROVIDE FOR AN INCREASE OF OFF-DUTY DETAIL FEES FOR FIREFIGHTER/PARAMEDICS OR FIRE INSPECTORS. (SECOND READING)(PUBLIC HEARING)

City Attorney Pyburn read the Ordinance title into the record.

**MOTION:** Railey/Wasserman – To adopt Ordinance No. 2024-031.

Fire Chief Jeffery Gary presented the item for second reading. There were no questions or comments from the Commission.

Mayor Welch opened the public hearing on the item. There were no questions or comments from the public, and Mayor Welch closed the public hearing.

**Upon roll call, the Ordinance passed by a 5-0 vote.**

### Police Department

11. **ORD 2024-041** AN ORDINANCE AMENDING THE CITY'S CODE OF ORDINANCES, BY AMENDING CHAPTER 6, "BUILDINGS AND BUILDING REGULATIONS," ARTICLE III, "MINIMUM BUILDING PREMISES STANDARDS," SECTION 6-39, "ABANDONED REAL AND PERSONAL PROPERTY;" AND BY AMENDING CHAPTER 14, "OFFENSES," ARTICLE I, "IN GENERAL," TO CREATE SECTION 14-5, "TRESPASS APPEALS;" AND BY AMENDING CHAPTER 15, "PARKS AND RECREATION," ARTICLE II, "RULES AND REGULATIONS," SECTION 15-24, "RECREATIONAL ACTIVITIES;" AND BY AMENDING CHAPTER 17, "STREETS, SIDEWALKS, WATERWAYS AND OTHER PUBLIC PLACES," TO CREATE ARTICLE V, "PUBLIC CAMPING OR SLEEPING," TO PROHIBIT PUBLIC CAMPING AND SLEEPING ON PUBLIC PROPERTY AND PROVIDE FOR TRESPASS FOR VIOLATIONS. (FIRST READING)

City Attorney Pyburn read the Ordinance title into the record.

**MOTION:** Brodie/Wasserman – To approve Ordinance No. 2024-041 on first reading.

Police Legal Advisor Jeannette Camacho presented the item, explaining that the ordinance was created as a result of House Bill 1365, which prohibited public camping and sleeping. She noted that the first portion would take effect on October 1, and the second portion on January 1, at which point the City could be sued for permitting public camping or sleeping. She mentioned that staff reviewed similar ordinances from DeLand, Jacksonville, and Sanford and worked with county and city attorneys to craft an ordinance that best fit the City.

Commissioner Rydell expressed concern that the cities used for comparison were not located in Broward County and may face different homelessness issues than the City. He acknowledged the need for the ordinance but emphasized the importance of considering how neighboring cities like Fort Lauderdale and Hollywood were addressing similar issues. He requested that the second reading of the ordinance be delayed until the second meeting in October to allow time to track other ordinances in Broward County and discuss the issue with counterparts in other cities. He asked if delaying the second reading would create any timing issues. City Attorney Pyburn explained that meetings had been held with other city attorneys in Broward County, and they had reviewed the relevant code sections from all cities in the county. She noted that while many cities had yet to propose an ordinance, they had tracked those that had. She expressed willingness to delay the second reading until the October 24 meeting, noting while House Bill 1365 took effect on October 1, the City's liability did not begin until January 1, so there was time to do so. Discussion ensued, and there was agreement to hold second reading on October 24 to provide additional time for research and discussion.

**Upon roll call, the Ordinance passed on first reading by a 5-0 vote.**

## **Sustainable Development**

12. **ORD 2024-033** AN ORDINANCE AMENDING THE CITY'S CODE OF ORDINANCES, BY AMENDING CHAPTER 12, "GARBAGE AND REFUSE," BY CREATING ARTICLE IV, "ZERO WASTE," TO PROVIDE FOR THE REDUCTION OF SOLID WASTE BY LIMITING DISTRIBUTION OF CERTAIN PLASTIC PRODUCTS. (SECOND READING)(PUBLIC HEARING)

City Attorney Pyburn read the Ordinance title into the record.

**MOTION:** Wasserman/Railey – To adopt Ordinance No. 2024-033.

Public Works Project Manager-Solid Waste Michael Heimbach presented the item, noting that a summary overview had been included in the backup materials, which would be used to educate the business community.

Commissioner Brodie inquired as to what language the surveys were sent to businesses. Mr. Heimbach informed they were sent in English. Commissioner Brodie noted that many businesses in North Creek were Brazilian and Portuguese-speaking. Continuing, he asked if anyone on staff who wrote the ordinance had experience running a business and was told no. He summarized that the surveys were sent in English to businesses that may not speak the language, and the ordinance was written by individuals without business experience.

Mayor Welch opened the public hearing on the item. There were no questions or comments from the public, and Mayor Welch closed the public hearing.

**Upon roll call, the Ordinance passed by a 4-1 vote with Commissioner Brodie voting nay.**

City Attorney Pyburn explained the City’s quasi-judicial procedures that would be applied to Agenda Item 13 as follows (verbatim):

Florida courts have determined that there are certain types of matters, including Agenda Item 13 on tonight’s agenda, that are to be treated differently than other items considered by the Commission. In these quasi-judicial applications, the Commission is applying existing rules and policies to a factual situation and is therefore acting like a Judge and Jury do in a trial held in the courtroom. In such cases, the courts have decided that due process and fundamental fairness require that more formal procedures be followed.

The City Commission’s decision must be based on the evidence and information that is presented at the public hearing including the agenda materials, Planning and Zoning Board recommendation, testimony presented at the public hearing, and the deliberations of the City Commission. The quasi-judicial procedures require that the Commission consider the evidence presented to it and base their decision on the applicable law and primarily on credible evidence presented whether by staff, the applicant, or members of the public.

In a quasi-judicial proceeding, the City Commission is not allowed to take into consideration public sentiment or the popularity of a particular development proposal or application. The City Commission may only consider competent substantial evidence. This means testimony or other evidence that a reasonable mind would accept as credible and adequate to support a conclusion. Florida courts have made it clear that mere generalized statements of opposition are to be disregarded, but fact-based testimony can be considered competent and substantial evidence. This can include eyewitness observation testimony about relevant facts and documentary evidence, including photographs, aerials, and maps. Citizens who want to participate in a quasi-judicial hearing can testify as to factual matters and any element of the case that would not require specialized training or specific academic degrees. Their testimony will be considered provided their testimony is backed up by established facts, studies, or evidence that is not conjecture or just based on a feeling. The quasi-judicial hearing process is not a popularity contest. The strict rules of evidence do not apply during the public hearing, but any comments must be relevant to the agenda item. Proper decorum is required and will be maintained at all times. Please refrain from vocal outbursts, jeering, cheering, or applause.

Everyone who seeks to speak on an item will be given an opportunity to speak. If you intend to provide testimony as to any of the applications to be considered tonight, you will be sworn in before your testimony is taken. Please know if you speak, you may be subject to cross examination; the City Commission may comment or ask questions of persons addressing the Commission at any time. If you refuse to either be cross-examined or to be sworn, your testimony will be considered in that context and given its due weight. The general public will not be permitted to cross examine witnesses but may request that the Commission direct questions on their behalf to the applicant or staff. Will the Clerk please confirm compliance with the notice requirements?

City Clerk Kavanagh confirmed the public notice requirements had been met for Agenda Item 13 and swore in the witnesses.

- 13. RES 2024-138** A RESOLUTION APPROVING THE SITE PLAN REQUEST OF DAVID AULD OF JOHNS FAMILY PARTNERS, LLLP TO CONSTRUCT A MAXIMUM OF EIGHTY (80) TWO-STORY TOWNHOMES FOR THE PROPERTY LEGALLY DESCRIBED IN EXHIBIT “A,” ATTACHED HERETO AND MADE A PART HEREOF, GENERALLY DESCRIBED AS BLOCK 9 OF THE MAINSTREET AT COCONUT CREEK DEVELOPMENT. (QUASI-JUDICIAL)(PUBLIC HEARING)

Mayor Welch read the Resolution title into the record.

Commissioner Brodie made a motion to move Agenda Item 13 for discussion, seconded by Commissioner Wasserman.

City Attorney Pyburn asked if there were any disclosures or ex-parte communications on behalf on the Commission for Agenda Item 13, and the following disclosures were made:

- Commissioner Rydell, Commissioner Wasserman, Commissioner Brodie, and Vice Mayor Railey disclosed they met with the MainStreet team.
- Mayor Welch disclosed she met with the MainStreet team and a separate phone call with Mr. Backman.

Sustainable Development Director Justin Proffitt presented the item, noting the request was for site plan approval for Block 9 of the MainStreet at Coconut Creek development to construct eighty (80) townhomes in the MainStreet Project Area (MSPA). He noted that the site was located within the City's Regional Activity Center (RAC) at the southwest corner of the intersection of Cullum Road and NW 54 Avenue. Mr. Proffitt stated that staff found the site plan, subject to the conditions included in the Resolution, to be in compliance with the MainStreet PMDD, the City's Land Development Code, site plan review requirements, and MainStreet design standards. He noted that the Planning and Zoning Board recommended approval of the application at their August 14, 2014, meeting.

Scott Backman, Miskel Backman, LLP, representing David Auld of John's Family Partners, LLLP, stated appreciation for the suggestion to schedule an additional Commission meeting, noting it would be beneficial as the project approached the end of the year. He summarized the Block 9 site plan request, highlighting that the site was located in the far northwest corner of the MSPA and included eighty (80) townhomes, with two (2) different product offerings, including seventeen (17) rear-loaded townhomes facing NW 54 Avenue and sixty-three (63) more traditional townhomes with front-loaded garages. He noted that the project was designed to enhance the pedestrian experience around the Civic node. Mr. Backman commented that the development included significant streetscape improvements, such as landscaping, walkways, and a pocket park, with a focus on creating an aesthetically pleasing environment. He noted that the project exceeded previous area requirements and parking standards, with all eighty (80) garages being EV-ready, in addition to two (2) designated EV-charging stations in the guest parking area. Pedestrian access remained open, with gated vehicular entry and three (3) pedestrian entrances. Mr. Backman also emphasized the architectural styles across different blocks of the MainStreet project, noting that Block 9 offered a distinct design, while aligning with the overall theme. He summarized the varying unit types proposed and shared renderings, showing both front and rear-loaded designs, streetscape views, and the internal layout of the development. Mr. Backman concluded by discussing the project's remaining milestones, including upcoming reviews of Blocks 15A, 15B, and the Roadway Master Plan. He noted that while Blocks 10 and 16 were still in progress, they were expected to be approved after the December 16 closing date. He thanked the Commission for their ongoing support and collaboration.

Mayor Welch opened the public hearing on the item. There were no question or comments from the public, and Mayor Welch closed the public hearing.

Neither staff nor the applicant had closing remarks.

Commissioner Rydell asked for clarification on the room dimensions of the product, noting that he found it difficult to see the details on the printed materials provided. He requested a fact sheet

with the room dimensions, especially for the purchase products, as he wanted to better understand the specifics. Landon Massel, 200 E. Las Olas, Fort Lauderdale, requested additional time to confirm the specific information. Commissioner Rydell and Mr. Backman discussed the parking provisions, clarifying that the parking numbers included garages. Mr. Backman confirmed, adding that association documents would require residents to use their garages for parking, not storage, and this could be enforced, if necessary. Commissioner Rydell mentioned his previous visit to a similar development and asked if the current product was comparable. Mr. Backman stated that this product was superior, as the previous units were rentals while these were for-sale. They also discussed the management of garbage cans, with Mr. Backman confirming that each unit would have a designated place for storing garbage cans in the garage. Commissioner Rydell expressed his approval of the for-sale product, noting that it was a great family-friendly option with large units. He wanted the size of the biggest units on the record, emphasizing that they were spacious and well-suited for families. He also highlighted the importance of walkability in the neighborhood and confirmed that the development was not fully secured or gated.

Vice Mayor Railey asked about the bike lane and pedestrian walkway, expressing concern about safety without a clear separation. Mr. Backman responded that there was a saw-cut line to differentiate the two (2), but they were on the same level. She also inquired about the pool's visibility and privacy. Mr. Backman assured that the pool would be fenced, landscaped, and surrounded by four (4) story units, ensuring privacy. Vice Mayor Railey suggested adding more texture or color diversity to the building exteriors for better differentiation, especially at night. Mr. Backman explained that the current design used a warm color palette and noted that while they had considered her suggestion, their preference was to keep the current design.

Commissioner Wasserman questioned the effectiveness of the security gates for the rear-loaded townhomes on NW 54 Avenue, noting that the front doors of some units were outside the gate and expressing concern that the design did not fully secure the area, especially for those expecting gated protection. Mr. Backman explained that the gates primarily served to manage parking rather than providing full security, particularly given the proximity to the Civic node. He acknowledged that while some doors would remain outside the gates, the design allowed for flexibility, giving residents the option to choose between gated or ungated homes. The goal was to offer a variety of living options to accommodate different preferences. Commissioner Wasserman reiterated his concerns about security.

Commissioner Rydell raised concerns about the openness of the north and south boundaries of the development, suggesting there should be some fencing along these areas, particularly with future large events planned at the Village Green and nearby blocks. He specifically asked about what was between Cullum Road and the parking spots. Mr. Backman explained that there was a two-and-a-half-foot aluminum picket fence along the property line, with pedestrian and bicycle access points. He noted that the design aimed to maintain visibility and connection with Cullum Road, similar to the approach on Lyons Road in Block 1. While acknowledging that the current design followed the City's approved guidelines, Mr. Backman indicated that his team was open to considering a slightly higher fence if the Commission preferred, though he emphasized the goal was to promote interaction between the community and the public.

Commissioner Wasserman raised concerns about security, particularly during events like Grub and Groove at the Village Green. He noted that people could easily walk through the trellises or jump the low fence into the for-sale neighborhood, potentially creating safety issues. He suggested increasing the height of the fence along Cullum Road and possibly sealing off the trellises to better protect the neighborhood.



Vice Mayor Railey thanked Mr. Backman for explaining the concept of the gates, acknowledging the need for vehicular restrictions despite the open community. She compared it to private homes, where access by non-residents was a common reality, noting that securing one's property was the responsibility of the homeowner, whether through cameras or other security measures. Vice Mayor Railey expressed more concern about vehicular safety, particularly on roads like Cullum Road or NW 54 Avenue, suggesting that gates could provide protection from potential traffic accidents. However, she supported keeping pedestrian walkways open to maintain the urban feel of the development.

Mayor Welch revisited Vice Mayor Railey's concerns about the uniform appearance of the units. She suggested adding some differentiation between the units, particularly those that were clustered together, while staying within the same color palette. Mr. Backman agreed, proposing slightly different shades or accents for alternating units, and confirmed he would work with staff on this approach. Mayor Welch also asked about security measures, particularly regarding the mail kiosk. Mr. Backman confirmed that, similar to Block 1 of the MainStreet at Coconut Creek development, security cameras would be installed around the mail kiosk rather than creating an enclosure for safety reasons, noting that the kiosk would be located near the pocket park. Mayor Welch asked for clarification about the fence height and the plan for covering the 72-inch pipe along Cullum Road. Mr. Backman explained that the fence would be thirty (30) inches high and that a path or sod would be added over the pipe, as planting trees or other substantial landscaping in the easement was not permitted by Cocomar, the agency overseeing the area. Project Engineer Jay Huebner, HSQ Group, explained that they had worked with Cocomar for a long time to convert the ditch into a linear park, while adhering to the requirements for the 72-inch pipe. They provided Cocomar with a 20-foot-wide easement for maintenance purposes, which must remain clear of obstructions. The sidewalk was strategically placed over the easement to allow maintenance vehicles to drive over it without issue. Cocomar approved this arrangement as long as no above-ground obstructions prevented access.

Commissioner Wasserman clarified the fencing around the property, noting the three (3) pedestrian entrances marked by trellises and the sidewalk by the vehicular gate. He confirmed that the west and south sides had five (5) foot high fences, while the north side had a two-and-a-half-foot fence. Commissioner Wasserman expressed concern about the low height on the north side, requesting a uniform six (6) foot fence for better security. Mr. Backman explained that the code only allowed a maximum fence height of five (5) feet and that the design standards for the MainStreet area limited the fence along Cullum Road to thirty (30) inches without a variance. Mr. Backman stated that any deviation from the established design standards would require approval through the appropriate process and could not simply be added as a condition. He expressed concern about the idea of raising the fence height along Cullum Road, explaining that the lower fence was an intentional part of the design to keep the community open and aesthetically consistent with the overall MainStreet vision, emphasizing that the current design followed long-established standards. Commissioner Wasserman asked if there was interest from the Commission in supporting his proposal to have five (5) foot fencing on the north, west, and south sides of the property, while maintaining the trellises and walkability entrances. Commissioner Rydell raised concerns about security on the north end of the property, noting that addressing it might require a variance under the PMDD master plan. He commented that while he understood the open design concept, he suggested exploring alternatives, such as a thicker buffer, if a fence was not feasible. Mr. Proffitt pointed out that, in addition to the fencing, a landscape buffer was planned around the perimeter of the property. The buffer, with initial plantings of twenty-four (24) to thirty (30) inches, would grow higher over time and eventually exceed the height of the thirty (30) inch fence. While not a full security measure like a gated system, the landscaping would provide a natural barrier to help prevent casual entry into the area. After being sworn-in, Michelle Cuetara, Urban Design Studio, explained that there was a forty (40) foot buffer outside of their

block, where the Cocomar drainage ditch was located. Inside the property line, they had a thirty (30) inch fence and an interior landscape buffer of eight (8) to ten (10) feet. She noted the hedges could be allowed to grow to forty-eight (48) inches with a condition of approval, though the police department had advised against tall hedges for security reasons. Additionally, the site included trees spaced fifteen (15) to twenty (20) feet apart, and the park had further layers of trees, providing substantial coverage. Discussion ensued regarding alternate creative security solutions that would work with City resources without burdening the developer with excessive costs and the importance of input from the future residents that would purchase the homes.

Commissioner Rydell clarified that his concerns were specific to the location of Block 9, noting that its position as an outlier near 441 made it different from the other blocks. He emphasized that he would not have the same concerns if this block were more central, like those near the Village Green. Mr. Backman acknowledged the uniqueness of each block and agreed that location played a role. He reiterated that while they had designed everything in accordance with established guidelines, addressing this specific block's security concerns might require a variance. While they didn't want to pursue a variance, he expressed a willingness to find a solution, noting the challenge of balancing design guidelines with security needs. Discussion ensued regarding alternate solutions and perimeter fencing height.

Mr. Backman requested a short recess to discuss. Prior to the recess, Mr. Massel reviewed the dimensions for the ten (10) unit types, emphasizing the importance of room sizes. The unit types included both three and four-bedroom layouts, noting that the largest unit was 2,217 square feet, while the smallest was 1,657 square feet. He clarified the unit layout was determined more by site planning rather than a specific strategy for size placement.

Vice Mayor Railey asked if pre-construction buyers could request specialty wiring, such as for speakers or alarm systems. Mr. Backman responded that all units are pre-wired for most of those features, but not tailored to individual requests.

*The City Commission took a recess at 9:00 p.m., and the meeting reconvened at 9:05 p.m.*

Mr. Backman stated, after discussions with his team and City staff, an interpretation of the PMDD regulations would allow the fence along Cullum Road to be five (5) feet high. He confirmed that they would agree to this condition if it was acceptable. Discussion ensued regarding a condition of approval for security in the mail kiosk area and increasing the height of the perimeter fencing.

Mayor Welch passed the gavel.

**AMENDMENT:** Welch/Rydell –To add conditions of approval to provide for security cameras in the mail kiosk area consistent with the provisions designed for Block 1 and to provide a five (5) foot fence along the northern property line.

**Upon roll call, the Amendment passed by a 5-0 vote.**

**Upon roll call, the Resolution, as amended, passed by a 5-0 vote.**

## **CITY MANAGER REPORT**

City Manager Rose expressed gratitude for the support in attending the International City/County Management Association (ICMA) National Conference, noting that it had been an inspiring and valuable learning experience. She noted that she also traveled with Human Resources Director Pam Kershaw,

who gained insights from the perspectives of various city managers.

City Manager Rose provided an update on the ongoing discussions about repurposing Coconut Creek Elementary School. Following an initial meeting with Broward County Public Schools Associate Superintendent Dr. Wanza, attended by Government Affairs Manager Bernadette Hughes on behalf of City staff, further conversations had taken place with several school board members. Dr. Wanza was expected to join the Lunch Bunch meeting on September 30 to discuss the City's thoughts on Coconut Creek Elementary. City Manager Rose advised that a Broward County School Board workshop was scheduled for October 8, with a final decision meeting on October 15. City staff had presented the idea of expanding Coconut Creek Elementary into a K-8 program, an initiative that continued to move forward. City Manager Rose noted that while the City did not have the final decision, this concept was seen as an opportunity to strengthen the Coconut Creek education corridor, allowing students to attend Coconut Creek Elementary through middle school and later move on to Coconut Creek High School. She mentioned that the School Board was currently studying two (2) options: a K-8 program and a fee-based early childhood learning program. City Manager Rose invited feedback on these options.

Commissioner Rydell shared feedback from two (2) staff members at Coconut Creek Elementary, one (1) of whom was a coach and the other a second-grade teacher. Both, who were also Coconut Creek residents, expressed a preference for an early childhood education program rather than a K-8 option. Commissioner Rydell added that his view was that keeping the school open was the most important factor.

Commissioner Wasserman expressed full support for keeping Coconut Creek Elementary open, emphasizing his goal of keeping students in Coconut Creek. He highlighted the potential for a unique opportunity to keep students in a K-8 model, where older students could mentor younger ones and foster a sense of continuity and responsibility. While he preferred the K-8 option, he was not opposed to early childhood education, as long as the school remained open and continued serving the community.

Commissioner Brodie referenced the positive turnaround at Coconut Creek High School, which was revitalized through its partnership with Atlantic Technical College, and expressed that Coconut Creek Elementary deserved similar attention. He opposed closing any school and acknowledged the school district likely had a "magical number" in mind for student enrollment, though he was unsure what the number was. Commissioner Brodie emphasized the importance of keeping the school open and providing an excellent education for students. He praised the local teachers and principals and called for a creative approach to ensure the school's survival.

Vice Mayor Railey agreed with doing anything possible to keep the school open, particularly supporting the idea of Coconut Creek becoming a K-8 school. She noted that this model would offer many advantages, not only to younger students but also to older ones by fostering confidence and a sense of responsibility. Vice Mayor Railey emphasized that it would benefit all students through mentoring and volunteering opportunities, and she supported the idea. City Manager Rose expressed appreciation for the feedback, noting that the decision would ultimately be made through the upcoming public meetings. She stated that the goal was to gauge where everyone stood on the issue.

Continuing, City Manager Rose provided an update on Redstone Ranch, noting code enforcement cases and plans to declare it an unsafe structure. She advised that the property would be posted next week, with red tags already violated, but no resolution yet.

She presented two (2) options for the holiday caravan: Tuesday, December 17, or Friday, December 13. She highlighted that the benefit of hosting the event on a Friday was the Fluffy Food Truck Roundup, allowing the caravan to begin at City Hall and enjoy the food trucks before heading to South Creek. She asked for feedback on the preferred date. Discussion ensued, and City Manager Rose confirmed that

the holiday caravan would take place on Friday, December 13, starting at 5:30 p.m. with the staging at City Hall and the route passing Fluffy's Food Truck Roundup.

## **CITY ATTORNEY REPORT**

City Attorney Pyburn provided an update on staff efforts to review code updates based on recent state legislation. She highlighted House Bill 1203, which imposed new requirements on homeowners' associations regarding commercial vehicles, particularly prohibiting restrictions on pickup trucks and vehicle insignia. However, she clarified this did not preempt the City from regulating commercial vehicles, so no code amendment was needed at this time. She informed the Commission of an upcoming meeting on October 7 with Turnpike officials to discuss the proposed expansion from 595 to Wiles Road. Additionally, she shared that she had been invited to serve on a steering committee for the Florida Municipal Attorneys Association to assist with selecting topics for their July conference.

## **COMMISSION COMMUNICATIONS**

Commissioner Rydell asked City Clerk Kavanagh to report on the metrics and efforts taken, regarding the November 5 ballot initiative. City Clerk Kavanagh shared that his team analyzed how charter amendments were previously publicized in Coconut Creek and researched how other Broward County municipalities handled them. Working with the City Attorney's office, they developed a new approach to disseminate information about the charter amendment within statutory guidelines, focusing on fact-based communication. He summarized that the educational outreach introduced one hundred and seventeen (117) trackable metrics to share key information about the amendment. City Clerk Kavanagh expressed pride in pioneering a strategy he believed no other municipality had done. He anticipated positive feedback from residents and the Commission and noted lessons learned could be applied to future elections. Commissioner Rydell shared unexpected news regarding the planned notice hearing for the expansion of the Monarch Hill landfill in October, noting that the item was pulled from the agenda by Mayor Rich, so it would not be transmitted for public hearing on October 22, as initially expected. He commented that the decision was made to allow more time to assess the situation with the Solid Waste Authority. Commissioner Rydell noted this development was a small win for the City, although he expressed concern over the future of the Solid Waste Authority, particularly its leadership succession. He planned to attend the meeting the following day to advocate for a leadership role for the City. Commissioner Rydell also appreciated the Commission's support for scheduling an additional meeting on MainStreet, emphasizing the importance of continuing to work diligently for residents.

Commissioner Wasserman shared updates from a recent meeting with Deputy City Manager Scott Stoudenmire, the Police Department, and the property manager of Coconut Creek Plaza. He noted that the flooding in front of Publix had subsided, though there were still a few adjustments to be made. Commissioner Wasserman also discussed the potential demolition and replacement of the Lorenzo's outparcel and shared excitement about future developments in the plaza. He congratulated Tarrazu Coffee Company for their recent recognition and success. Lastly, Commissioner Wasserman wished a Happy New Year (L'Shana Tova) to the Jewish community in Coconut Creek ahead of Rosh Hashanah.

Commissioner Brodie shared that the 9/11 event at North Creek Fitness Center was a great success, with strong participation. He posted a video on TikTok, which garnered 26,000 views and 2,500 likes, bringing attention to first responders. He also highlighted the 9/17 Constitutional Day program, where 28,000 pocket Constitutions were distributed to eighth graders across Broward County. Commissioner Brodie offered extra copies to anyone interested. He praised the updates at Creek Fit North, noting the great lighting and new Life Fitness equipment, adding that the community's positive response to the renovation was well received. Lastly, Commissioner Brodie sought and received consensus from the

Commission for early planning of Broward Days in Tallahassee expected in March, noting the importance of securing meetings and accommodations in advance for better success in advocating for the City. Vice Mayor Railey, Commissioner Wasserman, and Mayor Welch expressed interest as well.

Vice Mayor Railey shared that she received concerns from residents about mosquitoes and reached out to the County for additional spraying. She reminded residents to remove standing water from pots and containers to help reduce mosquito breeding. Vice Mayor Railey shared an update on the roundtable she participated in two weeks ago by invitation of Congressman Moskowitz on climate change and its impact on insurance costs. She commented that the discussion highlighted the challenges residents face with rising insurance costs, particularly in homeowners' associations and condo associations. She was encouraged by the attention being given to the issue. Vice Mayor Railey congratulated staff on the 9/11 event and praised the flag exhibit honoring first responders. She also appreciated the success of Salsa Night and noted the ongoing Creek Cares series, highlighting non-profit organizations in the City with Mayor Welch. She ended by wishing everyone happy holidays and encouraged self-reflection during this time.

Mayor Welch shared that she attended the Resilience Roundtable with Sustainability Manager Linda Whitman and was proud of the City's participation and that staff efforts were highlighted in several presentations. City Manager Rose was recognized for her contributions, and staff's coordination was praised. Mayor Welch highlighted the City's progress towards zero waste, including initiatives like glass recycling, composting, and the single-use plastics ordinance. She expressed hope that expanding landfills would be a last resort in achieving zero waste. She wished Commissioner Rydell good luck for his efforts at the Solid Waste Authority meeting the following day.

**ADJOURNMENT**

The meeting was adjourned at 9:40 p.m.

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Joseph J. Kavanagh, MMC  
City Clerk

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Date